

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 7, 1998

DIVISION ONE

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

DIVISION TWO

B090799 Corsini, et al. (Not for Publication)
v.
Geiberger

The judgment is affirmed. Respondent is awarded costs on appeal.

Nott, J.

We concur: Boren, P.J.
Fukuto, J.

DIVISION TWO (Continued)

[illegible]

The Court:

The judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting imposition of the \$50 laboratory analysis fee under Health and Safety Code section 11372.5, subdivision (a), as part of the total fine and to forward a certified copy of the amended abstract of judgment to the Department of Corrections.

Boren, P.J., Fukuto, J., Nott, J.

B079967 Fike (Not for Publication)
v.
Tutor-Saliba Corporation

The amount of the judgment against Tutor-Saliba is modified to \$795,598.83. In all other respects, the judgment is affirmed. Costs to plaintiff Patrick Fike.

Nott, J.

We concur: Boren, P.J.
Zebrowski, J.

B118570 People (Not for Publication)
v.
Nowlin

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

October 7, 1998-Continued

DIVISION TWO (Continued)

[illegible]

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

[illegible]

The Court:

The matter is remanded for the superior court either to impose the enhancements for the four prior prison term allegations found true by the jury or to strike any or all of those allegations in accordance with Penal Code section 1170.1, subdivision (h). In all other respects, the judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

DIVISION TWO (Continued)

B114347 People (Not for Publication)
v.
Benard

The Court:

The judgment is modified by vacating the findings that appellant served prior prison terms within the meaning of Penal Code section 667.5, subdivision (b), for the conviction for violation of Health and Safety Code section 11377 in Los Angeles County Superior Court case No. A617050, the conviction for second degree burglary in Los Angeles County Superior Court case No. A626290, the conviction for violation of Health and Safety Code section 11350 in Los Angeles County Superior Court case No. A6525511, and the conviction for violation of Health and Safety Code section 11350 in Los Angeles County Superior Court case No. A649422 and by striking the four 1-year enhancements imposed for those prior convictions. As modified, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting that the judgment has been modified to a term of 25 years to life, enhanced by 5 consecutive 1-year terms under Penal Code section 667.5, subdivision (b), and to send a certified copy of the amended abstract of judgment to the Department of Corrections.

Boren, P.J., Nott, J., Zebrowski, J.

B108662 People (Not for Publication)
v.
Jurado

The judgment is affirmed.

Nott, J.

We concur: Fukuto, Acting P.J.
 Zebrowski, J.

DIVISION THREE

B123133 Norman D.
v.
Superior Court Los Angeles County
Los Angeles County Department Of Children and Family Services

Filed order modifying opinion. (No change in the judgment)

[illegible]

The judgment is affirmed.

Aldrich, J.

We concur: Kitching, Acting P.J.
 Goodman, J. (Assigned)

B111517	People v. Wozniak	(Not for Publication)
B120215	In Re Chris Wozniak on H.C.	

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

DIVISION THREE (Continued)

B109499 People v. Griffin (Not for Publication)

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B111650 Ngo (Not for Publication)
v.
AAA Conditioned Air, Inc.

The judgment is affirmed.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B113831 In re Jason McCoy on Habeas Corpus

The Court:

Order to show cause directing the Superior Court to hold an evidentiary hearing on issues raised in the petition.

Kitching, J, Klein, P.J., Aldrich, J.

DIVISION FOUR

B113095 People (Not for Publication)
v.
Aparicio

The judgment are affirmed.

Vogel (C.S.), P.J.

We concur: Hastings, J.
Cooper, (F.M.), J. (Assigned)

B114293 People (Not for Publication)
v.
Ghanem & Hemdan

The Court:

For the foregoing reasons, the order denying appellant Hemdan's motion for relief pursuant to Penal Code section 1203.4 is reversed and the matter remanded for further proceedings in accord with this opinion. The order denying appellant Ghanem's motion pursuant to Penal Code section 17, subdivision (b), is affirmed.

Vogel (C.S.), P.J., Epstein, J., Hastings, J.

B117986 People (Not for Publication)
v.
Thomas

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B116694 People (Certified for Partial Publication)
v.
Hall

The judgment is reversed with respect to imposition of consecutive sentences on Counts 1 and 3 and the precommitment credit award, and the matter is remanded for further proceedings consistent with the views expressed in this opinion. In all other respects, the judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B111222 People
v.
Contreras

Filed order denying petition for rehearing

DIVISION FIVE

B116596 People (Not for Publication)
v.
Lambert Grandberry

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION FIVE (Continued)

Court convened at 1:00 P.M.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B119478 People v. Abel S.
B116605 People v. Tuan Anh Dang
B120477 DCFS v. Candi M.

Argument waived, cause submitted.

B119335 The People
 v.
 Gertie K.

Appearances:
Debra L. Petcove for appellant and by David C. Cook for respondent.
Argument waived, cause submitted.

B110060 Mahoning National Bank
 v.
 Kathleen Mogge

Merits:
Argued by Michae A. Brush for appellant and by Timothy C. Aires for respondent. Cause submitted.

B113282 The People
 v.
 Duz-Mor Diagnostics Lab Inc.

Merits:
Argued by Patric Hooper for appellant and by John Dratz, Deputy Attorney General for respondent. Cause submitted.

DIVISION FIVE (Continued)

B115948 The People
 v.
 Isaac Abelmael Cardona

Appearances:

Mary Sanchez, Deputy Attorney General for respondent and no appearance for appellant. Argument waived, cause submitted.

B112261 Westside Hospital
 v.
 State of California

Merits:

Argued by Mitchell R. Miller for appellant and by Sandra L. Goldsmith for respondent. Cause submitted.

B119152 Jeremiah Mitchell Martell
 v.
 Antelope Valley Hospital, etc.

Merits:

Argued by Harrison W. Sommer for appellant and by Thomas W. Stefanielli for respondent. Cause submitted.

B112026 Feather River Hospital
 v.
 Kimberly S. Belshe

Merits:

Argued by Mitchell R. Miller for appellant and by Richard Waldow, Deputy Attorney General for respondent. Cause submitted.

Court recessed.

DIVISION FIVE (Continued)

The Court reconvened.

Present: Grignon, Acting P.J., Armstrong, J., Woods, J. , (Assigned), and Zaida G. Heraldez, Deputy Clerk.

B107477 Richard K. Ehrlich
 v.
 City of Culver City

Merits:

Argued by Lisa S. Ehrlich for appellant and by Joseph Pannone for respondent. Cause submitted.

Court adjourned.

DIVISION SIX

B111196 Highlands Ins. Co. (Not for Publication)
 v.
 Marshall

The judgment is affirmed. We impose sanctions in the sum of \$2,000 against Marshall. Marshall is ordered to pay \$1,000 of the sanctions to the clerk of this court for pursuing this frivolous appeal. Marshall is ordered to pay the other \$1,000 to Highlands. The sanctions shall be paid no later than 30 days after the filing of the remittitur.

The judgment is affirmed. Highlands is awarded costs on appeal.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

DIVISION SEVEN

B115128 People
 v.
 Saab

Filed order modifying opinion. (No change in the judgment)

B115128 People
 v.
 Saab

Filed order denying petition for rehearing.

B124113 Jennifer C. (Not for Publication)
 v.
 Superior Court, Los Angeles County
 (Los Angeles County Dept. of Children & Family Services, r.p.i.)

Because substantial evidence supports the juvenile court's order to conduct a hearing pursuant to section 366.26, the petition is denied on the merits.

Neal, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B114313 Kumar (Not for Publication)
 v.
 Schumacher

The judgment is affirmed. Respondent to recover costs on appeal.

Woods, J.

We concur: Johnson, Acting P.J.
 Neal, J.

DIVISION SEVEN (Continued)

B114747 People
 v.
 Williams

Filed order denying petition for rehearing.

B117466 People
 v.
 Edwards

Filed order denying petition for rehearing.